

### **REMARKS**

Claims 1, 5-9, 21 and 33 have been amended as set forth in the above complete listing of the claims, and claims 67-70 are new. The amended and new claims are supported by the specification and the original claims, and do not add new matter. The amendments have been made to address particularly preferred aspects and embodiments of the invention, not for reasons of patentability. As such, Applicants expressly reserve the right to pursue claims directed to subject matter no longer or not yet pending in a related application. Thus, upon entry of the amendments, claims 1-24, 33-34, 38-42 and 60-70 will be pending, and Applicants respectfully request reconsideration in view of the following remarks.

#### **Rejection Under 35 U.S.C. § 102**

Claims 1-19, 21, 24, 33-39, 60-62, and 64-66 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Anderton, *et al.* The Office alleged that the cited document discloses a peptide containing the amino acid sequence of SEQ ID NO: 19, specifically peptide 211-225. In order to reduce the issues and advance prosecution, claims 1, 5-9, 21 and 33 have been amended, and no longer a peptide comprising the amino acid sequence of SEQ ID NO. 19. The amino acid sequence of SEQ ID NO: 6, which is referenced in new claims 76-70, comprises the SEQ ID NO. 19 sequence. Anderton, *et al.*, however, does not disclose a peptide having the amino acid sequence of SEQ ID NO: 6. Accordingly, Applicants submit that claims 1-24, 33-34, 38-42 and 60-66 are not anticipated by Anderton, *et al.*, and withdrawal of the rejection is respectfully requested.

#### **Rejection Under 35 U.S.C. § 103**

Claims 1-24, 33-34, 38-42, and 60-66 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Anderton, *et al.* in view of Srivastava, Russel-Jones, *et al.*, and Guichard, *et al.* Claimed subject matter is *prima facie* obvious only when the cited document or combination of documents teaches or suggests all of the claimed elements, the person of ordinary skill in the art was motivated to modify the document(s) as suggested in the Office action, and there was a

reasonable expectation of success. *See* MPEP 2142, *et seq.* It is respectfully submitted that the rejection is inapplicable to the claims as amended and the new claims.

Applicants submit that the combination of Anderton, *et al.*, Srivastava, Russel-Jones, *et al.*, and Guichard, *et al.* does not teach or suggest all of the elements of the subject matter claimed. The Office alleges that SEQ ID NO: 19 is fully disclosed in Table II of Anderton, *et al.*, and was used as an immunogen. However, Anderton, *et al.* does not teach or suggest a peptide having the epitopes referenced in claims 1-24, 33-34, 38-42 and 60-66 as amended. The document also fails to teach or suggest a peptide having the amino acid sequence of SEQ ID NO: 6 as referenced in new claims 67-70. Srivastava, Russel-Jones, *et al.*, and Guichard, *et al.* do not remedy the defects in Anderton, *et al.* because they also do not teach or suggest the epitopes referenced in claims 1-24, 33-34, 38-42 and 60-66 as amended, or a peptide having the amino acid sequence of SEQ ID NO: 6 referenced in new claims 67-70. Accordingly, Applicants submit that amended claims 1-24, 33-34, 38-42 and 60-66 are not *prima facie* obvious over the combined teachings of Anderton, *et al.*, Srivastava, Russel-Jones, *et al.*, and Guichard, *et al.*, and withdrawal fo the rejection is respectfully requested.

In re Application of:  
Albani and Prakken  
Application No.: 09/828,574  
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Page 10

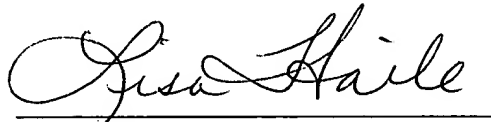
PATENT  
Attorney Docket No.: UCSD1310-1

**CONCLUSION**

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect respectfully is requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

Enclosed is check #566715 for the one-month extension of time fee (\$55.00). The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 50-1355.

Respectfully submitted,



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